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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,206	08/10/2001	Sui-Hing Leung	10013995	6990

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EXAMINER	
NGUYEN, DAVID Q	

ART UNIT	PAPER NUMBER
2681	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/928,206	SUI-HING LEUNG, CUPERTINO	
	Examiner	Art Unit	
	David Q Nguyen	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *4-8,10,14-18,20 and 23-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *4-8,10,14-18,20 and 23-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 02/22/05 have been fully considered but they are not persuasive.

In response to applicant's argument on pages 6-7, Applicants argue:

"The RF transmitter of the present invention only provides the signal, e.g., transmits, it does not perform any other base-station functionality, e.g., receiving, as taught by Weber et al.. Therefore, the RF transmitter of the present invention is capable of being formed in a small, lightweight, compact and integrated mobile unit which may be placed in a plurality of scenarios and which outputs the appropriate commands, it does not otherwise interact with the mobile device, e.g., perform any base station operation, e.g., reception, strength of signal, or other interaction, it is a transmitter."

Examiner respectfully disagrees because in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., the RF transmitter of the present invention only provides the signal, e.g., transmits, it does not perform any other base-station functionality, e.g., receiving) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 4-8,10,14-18,20 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weber et al (US 6343212) in view of Kamel et al (US 6496531).

Regarding claim 10, Weber et al disclose a method for automatically disabling an audible alarm in a cell phone, comprising: providing a mobile radio frequency (RF) transmitter that can be unobtrusively mounted in a setting (see col. 6, line 65 to col. 7, line 12; figs. 4-5; and fig. 1, transmitter 3 and 5); determining whether the cell phone has received a non-audible control signal (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21); automatically disabling an audible alarm when the non-audible mode or control signal is received (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21); automatically enabling a non-audible alarm to notify a user of an incoming call when the non-audible control signal is received (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21; col. 10, lines 22-35); transmitting a non-audible control signal as an RF signal from integrated RF transmitter (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21 and abstract). Weber et al does not mention the non-audible control signal transmitted as a directional signal. However, Kamel at al disclose transmitting a signal between base station and mobile station as a directional RF signal (see col. 5, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the

above teaching of the Kamel et al to Weber et al in order to should the non-audible control signal to the cell phone in long distance so that all mobile stations are automatically disabled an audible alarm in the restricted areas.

Regarding claim 20, Weber et al disclose an apparatus for automatically disabling an audible alarm in a cell phone, comprising: a receiver for receiving a non-audible mode signal from RF transmitter that can be unobtrusively mounted in a setting, which broadcasts a non-audible mode signal (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21 and see explanation in claim 10); a speaker coupled to the receiver which generates an audible sound to notify a user of an incoming call (see col. 10, lines 22-35); a processor coupled to the speaker which automatically disables an audible alarm when the non-audible mode signal is received and which automatically enables a non-audible alarm to notify a user of any incoming calls when the non-audible mode signal is received (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21; col. 10, lines 22-35). Weber et al does not mention the non-audible mode signal transmitted as a directional signal. However, Kamel at al disclose transmitting a signal between base station and mobile station as a directional signal (see col. 5, lines 33-40). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of the Kamel et al to Weber et al in order to should the non-audible control signal to the cell phone in long distance so that all mobile stations are automatically disabled an audible alarm in the restricted areas.

Regarding claims 4-5 and 14-15, the method of Weber et al in view of Kamel et al also discloses disabling the audible alarm (see col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21 of Weber) and activating the non-audible alarm for a fixed, pre-determined amount of time after

the cell phone receives the directional RF signal (see col. 4, lines 10-28; col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21 of Weber); and automatically reactivating the audible alarm and disabling the non-audible alarm after the fixed, pre-determined amount of time has elapsed (see col. 4, lines 10-28; col. 7, lines 5-20; col. 4, lines 1-16; col. 9, lines 9-21 of Weber)

Regarding claims 6-7 and 16-17, the method of Weber et al in view of Kamel et al also discloses activating a blinking light to notify the user of the incoming call when the non-audible control signal is received (see col. 10, lines 22-35 of Weber); the step of activating a vibration unit to notify the user of the incoming call when the non-audible control signal is received (see col. 10, lines 22-35 of Weber).

Regarding claims 8 and 18, Weber et al also disclose an over-switch to override the non-audible control signal (see col. 9, line 35 to col. 10, lines 21).

Regarding claims 23 and 25, the method of Weber et al in view of Kamel et al also discloses a signal for automatically disabling the audible alarm and activating the non-audible alarm when the cell phone receives the directional RF signal broadcasting a quite mode of operation signal (see col. 4, lines 1-9 of weber).

Regarding claims 24 and 26, the method of Weber et al in view of Kamel et al also discloses wherein the directional RF signal comprising a signal for automatically reactivating the audible alarm and disabling the non-audible alarm when the cell phone receives the directional RF signal broadcasting a normal mode of operation signal (see col. 4, lines 1-36 of weber).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moise Emmanuel can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen

EMMANUEL L. MOISE
PRIMARY EXAMINER